

IMPLEMENTATION GUIDELINES EXECUTIVE DIRECTIVE NO. 05-356

Payments for State of Kansas Employees Activated to Military Duty

Effective February 4, 2005
Revised March 28, 2005

Executive Directive 05-356 authorizes two separate initiatives for current State of Kansas employees in the Executive Branch who are activated to full time military duty, mobilized, and deployed in excess of 30 consecutive days in support of a military operation to defend our nation. The first of these initiatives is a Military Activation Payment for current State of Kansas employees who have, as a state employee, been mobilized and deployed since September 11, 2001, and for state employees who are mobilized and deployed in the future. The second initiative is a Military Pay Differential for those employees who are currently mobilized and deployed, or who are mobilized and deployed in the future, and whose income while on active duty is less than what they earned as a state employee.

These Guidelines implement Executive Directive 05-356.

PAYMENT TYPES

- Military Activation Payment: A one-time activation gross payment of \$1,000 for current benefits eligible State of Kansas Executive Branch employees (including unclassified temporary employees who are benefits eligible) in the Military Reserves who are activated and deployed for more than 30 consecutive days, to be applied retroactively to all eligible employees in accordance with the procedures below.
- Military Pay Differential: A pay differential, limited to \$500 per pay period for current benefits eligible State of Kansas Executive Branch employees (including unclassified temporary employees who are benefits eligible) in the Military Reserves, to make up for wages lost resulting from military activation and deployment for more than 30 consecutive days. Considered in the computation of this differential will be military basic pay as well as allowances such as housing, subsistence, rations, family separation, and any other pay and allowances received as a result of activation **except** for hazardous duty or imminent danger/hostile fire allowances. Affected employees are authorized to receive the differential on a bi-weekly basis in the amount necessary, when combined with the compensation received from the military, to equal that employee's basic rate of pay as a state employee. The differential cannot exceed \$500 per pay period and is not retroactive prior to the approval date in the Executive Directive (January 16, 2005). Agencies are authorized to make retroactive payments to dates including and subsequent to the date of this Executive Directive to current state employees who, because of extenuating circumstances, were not aware of the availability of a pay differential.

No employment taxes or employee/employer deductions should be withheld from these non-wage payments. Payments will be reported on Form 1099-MISC, Box 3 as Other Income. Employees will be responsible for reporting any taxable income on their personal income tax return. **Employees should consult their tax advisor to determine if estimated tax payments are required or if any other individual tax consequences may result from these payments.**

ELIGIBILITY

The employee must be: 1) a current benefits eligible (including unclassified temporary employees who are benefits eligible) State of Kansas Executive Branch employee in the Military Reserves; 2) activated to full time military duty; and 3) be mobilized and deployed in excess of 30 consecutive days in support of a military operation. The employee is eligible if in any Military Reserve Group in the U.S. listed in USERRA (i.e., the military branches and related services of the Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, Coast Guard Reserve, Army or Air National Guard, Public Health Commissioned Corps, or other category of person designated by the President in time of war or emergency). The individual must have been a state employee when mobilized and deployed.

Whether an individual is “mobilized” will be indicated in the individual’s orders, but the issue of whether an individual is “deployed” may not be specifically stated in the orders. For the purposes of eligibility under Executive Directive 05-356, an individual is deployed if he or she is stationed at a location that prevents him or her from going home overnight.

PROCEDURES

Agencies should notify eligible employees or their legal representative of the Military Activation and Military Pay Differential programs. Attachment 1 is a sample letter that can be used for this purpose. The employee should submit a completed “Application for Military Activation and Military Pay Differential Payment” form, which is provided in these Guidelines as Attachment 2.

Military Activation Payment

Benefits eligible State of Kansas employees (including unclassified temporary employees who are benefits eligible) who serve in the Military Reserves and are called to full time military duty, mobilized and deployed on and after September 11, 2001, are authorized to receive a one-time activation gross payment of \$1,000. In order to receive payment, the eligible employee should present a copy of his or her orders, along with a completed Application for Military Activation and Military Pay Differential Payment Form, to his or her agency. **Payments cannot be made prior to the actual date of the employee’s activation to military duty.**

Agencies should complete the Military Activation Payment and Pay Differential Eligibility Checklist (provided as Attachment 3) in order to make sure that the employee meets the eligibility requirements set out above. If an employee does not meet those requirements, agencies are to notify the employee that he or she does not meet the eligibility requirements for a payment. If an employee does meet the eligibility requirements, the agency should submit the completed copy of the Application for Military Activation and Military Pay Differential Payment Form to the Office of the Adjutant General of Kansas where it will then be processed through STARS payment vouchers. Agencies should submit the completed copies of the Application for Military Activation and Military Pay Differential Payment Form to:

Adjutant General's Department
ATTN: State Comptroller (Janice Harper)
2800 S.W. Topeka Blvd.
Topeka, KS 66611

Military Pay Differential

Benefits eligible State of Kansas employees (including unclassified temporary employees who are benefits eligible) who serve in the Military Reserves and are called to or currently on full time military duty, mobilized and deployed on or after the approval date in Executive Directive 05-356 (January 16, 2005) are authorized to receive the difference between their military pay and their regular State of Kansas employee wages when the military pay is an amount less than their regular state employee wages. In order to receive payment, the employee should present a copy of his or her orders along with a completed Application for Military Activation and Military Pay Differential Payment Form to his or her agency.

In addition to the orders and a completed Application for Military Activation and Military Pay Differential Payment Form, the employee will need to submit copies of his or her Defense Finance and Accounting Service Military Leave and Earnings Statement (LES) to the employee's agency each time the employee is paid so the agency can calculate the payment. The employee may submit the LES in the most expeditious way available, but electronic submission is encouraged. Instructions on how to read and understand the LES can be found at http://www.dfas.mil/money/milpay/les_djms.pdf.

Agencies should then complete the Military Activation Payment and Pay Differential Eligibility Checklist (provided as Attachment 3) in order to make sure that the employee meets the eligibility requirements set out on page two of these guidelines. If an employee does not meet those requirements, agencies are to notify the employee that he or she does not meet the eligibility requirements for a payment. If an employee does meet the eligibility requirements, agencies should proceed as follows.

For purposes of the Military Pay Differential, the employee's military wages will be the employee's total entitlements listed on the employee's LES except for Hazardous Duty and Imminent Danger/Hostile Fire Pay. All military pre-tax payments will be considered for purposes of the employee's military pay. This may include Basic Housing Allowance (BAH), Basic Allowance for Subsistence (BAS), or any other payments. State of Kansas employee wages are based on the hourly or bi-weekly wage rate exclusive of any overtime, non-permanent shift differentials, or salary additions such as a wage differential. You may use the "Worksheet for Calculation of Military Differential Payment" form to assist you in the calculation of the amount to be paid to the employee, if any. This form is provided as Attachment 4.

The agency is responsible for the calculation of any payment due the employee. This calculation should be performed bi-weekly after the employee furnishes the agency with the most current Military Leave and Earnings Statement.

Military Pay Differentials will be processed by the employee's agency through STARS payment vouchers using expenditure sub-object code 2698. Please do not process these payments in SHARP.

For more information on the effect on an employee's benefits during military leave, please refer to Bulletin 04-02, located at <http://da.state.ks.us/ps/documents/bulletins/0402.htm> and applicable regulations located at <http://da.state.ks.us/ps/documents/regs/default.htm>.

CONTACTS

For program guidelines, please contact Kraig Knowlton at (785) 296-1082 or by email at: kraig.knowlton@da.state.ks.us

For questions concerning Military Activation Payments through STARS, please contact Janice Harper at the Adjutant General's Office at (785) 274-1451 or by email at jlharper@agtop.state.ks.us.

For questions concerning Military Pay Differential payments through STARS, please contact Jo Ann Remp in the Division of Accounts and Reports at (785) 296-2277 or by email at: joann.remp@da.state.ks.us.

For questions concerning military issues such as military orders, individual military status etc., please contact Dee Lowe at (785) 274-1393 or by email at dblowe@agtop.state.ks.us

Jack Rickerson, Director

Date



K A N S A S

JACK RICKERSON, DIRECTOR

KATHLEEN SEBELIUS, GOVERNOR
DUANE A. GOOSSEN, SECRETARY

DEPARTMENT
OF ADMINISTRATION
DIVISION OF PERSONNEL SERVICES

Month Day, Year

Name
Address
City, State, ZIP

Dear Name,

As an employee of the State of Kansas ordered to full time active military duty, mobilized and deployed, you are eligible for a Military Activation Payment. The Military Activation Payment is a one-time gross payment of \$1,000 for current benefits eligible Executive Branch employees (including unclassified temporary employees who are benefits eligible) in the Military Reserves who are activated to a military Operation and deployed for more than 30 consecutive days or have returned from such a deployment.

You also may be eligible for a Military Pay Differential. A Military Pay Differential is the difference between your military pay and your regular employee wages when the military pay is an amount less than your regular employee wages.

In order to receive the Military Activation Payment or the Military Pay Differential you must: a) complete the enclosed Application for Military Activation and Military Pay Differential Payment form, b) supply the documents designated in the instructions and c) return them to our office at your earliest convenience. These payments are not considered wages, and will be reported to the Internal Revenue Service on Form 1099 MISC. You may want to consult your tax advisor to determine if estimated tax payments are required or any other individual tax consequences may result from these payments.

Thank you for serving your state and country.

Sincerely,

EXAMPLE



State of Kansas

Application for Military Activation and Military Pay Differential Payment

(For Employees Ordered to Full Time Military Duty, Mobilized and Deployed)

For the Period _____ through _____

Personal Information (to be completed by employee)

Full Name:

Last

First

M.I.

Address:

City

State

ZIP

E-mail Address:

Social Security Number:

Employee ID Number:

Job Title:

Current Rate of Pay:

Application for (check one):

Military Activation Payment

Military Pay Differential

Both

Do you want payment to be made via Direct Deposit?

Yes

No (If "Yes," information must be in STARS.)

Military Information

Military Rank:

Orders Number:

Unit of Assignment:

Deployed Location:

Operation:

Unit Location:

Unit E-mail Address:

Unit Phone:

Unit Cell Phone:

Start Date:

Salary Estimate:

\$

Signature of Applicant or Legal Representative

Agency Representative/Phone Number

Instructions to Applicant

1. Please fill in the above information as completely as possible, attaching a copy of your military orders (either individual or unit orders) with this form. You need to submit these two documents one time only.
2. You must submit this completed form along with a copy of your military orders to your agency. If you do not have information requested in this form, please provide it to your agency as soon as it is available to you. If you are requesting a Military Pay Differential, you must submit a copy of your LES to your agency each time it is issued to you.
3. You should consult with your tax advisor to determine if estimated tax payments are required or if any other individual tax consequences may result from these payments.



State of Kansas

Military Activation Payment and Pay Differential Eligibility Checklist

(For Employees Ordered to Full Time Military Duty, Mobilized and Deployed)

(General Guidelines)

This checklist is to be used by agencies to confirm that an employee is eligible to receive a payment authorized by Executive Directive 05-356. Agencies should complete this checklist after receiving an employee's completed Application for Military Activation and Military Pay Differential Payment Form before submitting the form to the Adjutant General's Office for processing of Military Activation Payments or before completing the Worksheet for Calculation of Military Differential Payment for those payments.

In order to be eligible, there must be a "Yes" in 1-5 and either 6a, 6b or 6c.

	Yes/No	Requirements
1.		Name on order (or attached roster with US Army orders)
2.		Ordered to "ACTIVE DUTY"
3.		Purpose: "Operation....."
4.		Orders dated 9/11/2001 or later
5.		Length of activation greater than 30 days Ex. "Period of Active Duty # days." OR "Ordered to Active Duty for # days" OR "Period of Active Duty not to exceed # days"
6.		Location of Active Service deployment
6a.		* Operation Iraqi Freedom (deployed outside US)
6b.		* Operation Enduring Freedom (<i>Usually</i> deployed outside US. Need to check for a deployment location other than the employee's home area. See Noble Eagle.)
6c.		* Operation Noble Eagle (service in the US) AND Distance of location does not allow activated person to "sleep in one's own bed." (Generally greater than 50 miles from home)

* Most common "Operations" appearing on activation orders since 9/11.

When in doubt, ask the employee if they are being/were actually "deployed" for active duty. They will generally know the difference between mobilization and deployment.



State of Kansas

Worksheet for Calculation of Military Differential Payment

Period Covered:

INCLUDE AS MILITARY INCOME	MILITARY AMOUNT	SOK AMOUNT	DIFFERENCE
Base Pay/Basic Pay			
BAS: Basic Allowance for Subsistence			
BAH: Basic Allowance for Housing			
Subsistence			
Clothing: Allowance for Uniforms			
Reenlistment Bonus			
Separate Rations or Comrats			
Leave Rations			
FSA: Family Separation Allowance			
CSP: Career Sea Pay			
Flight Deck Pay			
Sea Premium Pay			
Special Duty Pay			
Other			
Other			
Other			
TOTAL PAYMENTS:	\$ -	\$ -	\$ -

Instructions

1. If you are reading this in an electronic format, double click the above worksheet to convert it to an Excel worksheet. To compute this manually, you may print this page.
2. Input the applicable bi-weekly amounts shown on the individual's LES in the appropriate box in the "Military Amount" column. If the individual's LES is a semi-monthly amount, multiply the semi-monthly amount by 24 and then divide by 26 to arrive at a bi-weekly 'Military Amount'.
3. Input the employee's bi-weekly pay rate in the appropriate box in the "SOK Amount" column.
4. Agencies need to track wage rate changes for employees that are automatically promoted to the next higher class after serving a specific amount of time in the job class. Please be sure to apply these changes in calculating regular wages if appropriate.
5. If completing this form electronically, the differential will be automatically computed. If filling out the form manually, sum the "Military Amount" and the "SOK Amount" columns and list those totals on the respective Total Payments field for each column. If the SOK amount is greater then the difference between the two is the differential amount due the individual.